

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Jesse Vernon LaLone,)	C/A No. 2:20-cv-03106-SAL
)	
Plaintiff,)	
)	
v.)	OPINION & ORDER
)	
Major Morton et al.,)	
)	
Defendants.)	
_____)	

This matter is before the court for review of the July 12, 2021 Report and Recommendation of United States Magistrate Judge Mary Gordon Baker (the “Report”), made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 (D.S.C.). In the Report, the Magistrate Judge recommends that the denial of access to courts, deliberate indifference, and any official capacity claims asserted against Defendant Officer Judd be dismissed with prejudice for lack of prosecution and failure to comply with court orders. [ECF No. 36.] Plaintiff was advised of his right to file objections to the Report. *Id.* at p.3. No party filed objections to the Report, and the time for response has lapsed.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 36, and incorporates the Report by reference herein. Accordingly, in accordance with Rule 41(b), FRCP and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982), Plaintiff’s claims for denial of access to courts and deliberate indifference against Defendant Judd, and any other claims against Defendant Judd in an official capacity are hereby **DISMISSED with prejudice**. The Motion to Dismiss, ECF No. 19, is rendered **MOOT** by this ruling.

IT IS SO ORDERED.

August 27, 2021
Florence, South Carolina

/s/ Sherri A. Lydon
United States District Judge